

# **EXHIBIT A**

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK - CIVIL TERM - PART 37

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PEOPLE OF THE STATE OF NEW YORK, BY LETITIA      Index No.  
JAMES, ATTORNEY GENERAL OF THE STATE OF NEW      451685/2020  
YORK,

Petitioner,

-against-

THE TRUMP ORGANIZATION, INC.; DJT HOLDINGS  
LLC; DJT HOLDINGS MANAGING MEMBER, LLC;  
SEVEN SPRINGS, LLC; ERICK TRUMP; CHARLES  
MARTABANO; MORGAN, LEWIS & BOCKIUS, LLP; AND  
SHERI DILLON,

Respondents.

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60 Centre Street  
PROCEEDINGS      New York, New York  
(virtual)      February 17, 2022

B E F O R E:

HONORABLE ARTHUR S. ENGORON,

JUSTICE

A P P E A R A N C E S:

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BY: KEVIN WALLACE, ESQ.  
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BY: ANDREW AMER, ESQ.

(Appearances continued..)

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LISA M. DE CRESCENZO,  
OFFICIAL COURT REPORTER

## Proceedings

1 case where we can prove selective prosecution because  
2 she's put her words out there so much and taken every  
3 opportunity to voice her vendetta against Donald Trump  
4 and his family to take him down.

5 My client is entitled to the protections  
6 afforded to him by the Constitution against egregious  
7 prosecutorial misconduct.

8 THE COURT: Let me just say, I'm not the  
9 disciplinary committee, so some of the ethical  
10 questions are not in front of me. I tend to say  
11 they're not part of this case that I have in front of  
12 me.

13 MS. HABBA: How can you say that? They are  
14 very much a part of this case. You can't judge someone  
15 based on your hatred for them.

16 MS. GREENFIELD: Counselor, when the Judge  
17 speaks, you have to stop speaking.

18 MS. HABBA: I thought he was done. My  
19 apology.

20 THE COURT: Sometimes I'm a little slow.  
21 I'll leave it as I am not the attorney disciplinary  
22 committee. You can do whatever you think is correct  
23 there because you're bringing up what I think are  
24 issues that are more in terms of yes, the ethics of the  
25 participant rather than the legal issues in front of me

## Proceedings

1       you say look what we found. You found all the  
2       evidence. Don't you have to go back to whether your  
3       investigation was correct ab initio from the start?

4               MR. WALLACE: This isn't a Fourth Amendment  
5       claim, and I would note we have developed the evidence  
6       through the productions that the Trump Organization has  
7       agreed to. Right? We have proceeded with their  
8       agreement.

9               They're not before the Court today, and I  
10      would note that for the purposes of the subpoenas that  
11      are before the Court today, even if we weren't  
12      proceeding as to these individuals, the Trump  
13      Organization hasn't challenged the fitness of this  
14      investigation.

15              They have, in fact, acceded to the fact that  
16      this is a proper investigation. So, at the very least,  
17      these three are witnesses to potential activity that  
18      took place within the Trump Organization, and I don't  
19      think that there's been any facts established that the  
20      particular investigation was started for an improper  
21      reason either.

22              THE COURT: The other side disagrees with--

23              MR. WALLACE: Obviously, they disagree.

24              So, I wanted to highlight the fact we have  
25      made our showing and we have found our evidence, and

## Proceedings

1 Let's talk about the facts and whether they might  
2 suggest a slightly different view of the law.

3 MR. WALLACE: No. The assignment of the  
4 attorney, of the assistant attorney general is to work  
5 under the direction of the District Attorney is  
6 sanctioned by the Court of Appeals. The fact that the  
7 two investigations are proceeding in parallel is a  
8 common occurrence, you know, in both federal and state  
9 practice.

10 So, the legal issues aren't. Mr. Trump is a  
11 high profile individual, yes, that is unique. You  
12 know, I think it's unique that there are press releases  
13 after we make filings and it gets picked up everywhere.

14 It's unique that probably so many people are  
15 paying attention to a rather dry hearing about subpoena  
16 enforcement but the legal issues that we're dealing  
17 with here are pretty standard; and, as your Honor made  
18 the point, Mr. Trump is a citizen. He has to come in  
19 and appear just like anyone else.

20 THE COURT: Alina, would you want to address  
21 the animus ab initio point or uniqueness of this case?  
22 Or Alan.

23 MS. HABBA: Sure. Sure, your Honor. I will  
24 try to be brief. There's a couple of things I want to  
25 respond to.